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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,340	03/09/2004	Alexander Medvinsky	D03046	1990
43471	7590	12/12/2007	EXAMINER	
Motorola, Inc. Law Department 1303 East Algonquin Road 3rd Floor Schaumburg, IL 60196			STANLEY, MARK P	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/796,340	Applicant(s) MEDVINSKY ET AL.	
	Examiner Mark P. Stanley	Art Unit 4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3-9-04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

2. Claim (1-23) rejected under 35 U.S.C. 102(e) as being anticipated by Bardini et al.
(US 2003/0028652 A1 hereinafter Bardini).

Regarding claim 1, Bardini discloses “a method of controlling use of program content, said method comprising: receiving program content; storing said program content in memory; storing a rule for determining whether said program content in memory may be played; receiving a first time out message operable for use with said rule, wherein said first time out message comprises a time out limit indicating a time of day value by which an update message must be received; enforcing said rule by disabling playback of said program content in memory” ([0013], [0021], Fig. 6).

Regarding claim 2, Bardini discloses “the method as described in claim 1 wherein said disabling playback of said program content comprises reducing the quality of the playback of the program content” ([0021], where disabling the playback is halting

the transmission of digital data for viewing, and it is inherent that reducing the quality of playback will including halting the playback completely).

Regarding claim 3, Bardini discloses “the method as described in claim 1 wherein said first time out message comprises a system time of day value” ([0021], where the system time of day value is obtained from the secure clock).

Regarding claim 4, Bardini discloses “the method as described in claim 3 and further comprising: synchronizing a client computer to said system time via said system time of day value in said first time out message” ([0021], [0042], the secure clock).

Regarding claim 5, Bardini discloses “the method as described in claim 1 and further comprising: determining a current time of day” ([0021], [0042], step 410 in Fig. 6).

Regarding claim 6, Bardini discloses “the method as described in claim 3 and further comprising: determining a current time of day using said system time of day value and a local clock of the client computer” ([0042], it is inherent that the functions of a local clock can be used in place of the secure clock).

Regarding claim 7, Bardini discloses “the method as described in claim 1 wherein said enforcing said rule comprises: determining a current time of day;

comparing said current time of day to said time out limit; checking for a second time out message, said second time out message comprising a second system time of day value and a second time out limit; disabling playback of said program content if said second time out message is not received prior to said time out limit" ([0042], [0044]-[0045], where described in [0042] the digital content disabled if the initial first limit is passed, the digital content can be re-enabled or prevented from being disabled, after receiving a new time limit before or after the previous time limit has passed, as described in [0044]-[0045]).

Regarding claim 8, the claim is rejected for the same reasons as claim 7 above.

Regarding claim 9, Bardini discloses "the method as described in claim 1 and further comprising: entering into a digital rights rental agreement to allow receipt of said program content" ([0021], [0040], after completing a transaction, digital content from a content provider to a media storage device for playback within a set time limit is achieved, and is seen as a digital rights rental agreement).

Regarding claim 10, Bardini discloses "the method as described in claim 1 wherein said disabling playback comprises: disabling playback of some program content while not disabling playback of other program content" ([0021], where the media storage device is able to retrieve and transmit digital data for viewing, only the time

limited content that has expired will be disabled from playback while any other valid content can be viewed normally).

Regarding claim 11, the claim is rejected for the same reasons as claims 4 and 6 above.

Regarding claim 12, the claim is rejected for the same reasons as claims 4 and 6 above.

Regarding claim 13, Bardini discloses “the method as described in claim 1 and further comprising: receiving a second time out message comprising a second system time of day value; disabling playback if the current time of day is later than the second system time of day value in the second time out message” ([0044]-[0045], where it is possible to re-enable playback after a notification and reception of a new time limit, following or prior to the expiration of the previous time limit, it is inherent that the current time determined by the secure clock during previous time limit must have the same initial time of new time limit received and it would be inherent to disable the playback if this was not case as it would not follow under the rules required by [0042]).

Regarding claim 14, Bardini discloses “an apparatus for controlling use of program content, said apparatus comprising:” ([0029]) “a receiver operable for receiving program content from a content distributor;” ([0029], Fig. 2, item 136, the modem) “a

memory for storing said program content;" ([0029], Fig. 5, item 374 media is stored in item 36 AVHDD) "code operable for implementing a rule for determining whether said program content in memory may be played;" ([0025], item 36 AVHDD uses the controller to apply the time limit rules for time information of the program content downloaded to the AVHDD) "a processor coupled with said memory;" ([0029], Fig. 2, item 120, the CPU is coupled to the storage device memory in AVHDD) "code operable for enforcing a rule coupled to said apparatus wherein said rule disables playback of said program content if a time out message is not received prior to a time of day value indicated by a previous time out message" ([0034], Fig. 5, the controller in the AVHDD applies the rules described in [0042] and [0044]).

Regarding claim 15, Bardini discloses "a method of controlling use of program content, said method comprising: receiving program content from a content distribution server; storing said program content in memory coupled to client computer; storing a digital rights management rule for determining whether said program content in memory may be played by said client; receiving a first time message, said first time message comprising a system time of day value and an expiration time of day value; applying said digital rights management rule, wherein said applying comprises: determining a current time of day; comparing said current time of day to said expiration time of day; checking for a second time message, said second time message comprising a second system time of day value and a second expiration time of day value; disabling playback of said program content if said second time message is not received prior to said

expiration time of day value" ([0042], [0044]-[0045], Fig. 6, where described in [0045] a new time limit can be provided before the previous one expires).

Regarding claim 16, the claim is rejected for the same reasons as claim 2.

Regarding claim 17, Bardini discloses "the method as described in claim 15 and further comprising: receiving said second time message; re-enabling playback of said program content after receipt of said second time message" ([0044]-[0045], where it is possible to re-enable playback after a notification and reception of a new time limit, following or prior to the expiration of the previous time limit).

Regarding claim 18, the claim is rejected for the same reasons as claim 9.

Regarding claim 19, the claim is rejected for the same reasons as claim 10.

Regarding claim 20, the claim is rejected for the same reasons as claim 4.

Regarding claim 21, the claim is rejected for the same reasons as claim 6.

Regarding claim 22, the claim is rejected for the same reasons as claim 13.

Regarding claim 23, the claim is rejected for the same reasons as claim 15.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watson et al. (US 2004/0133923 A1) – provides digital content pre-stored in a set-top box for viewing within a conditional access system

Ofek et al. (US 2004/0230797 A1) – authentication with un-trusted destination device via use of hidden programs

Sakata et al. (US 2003/0033601 A1) – control of multiple terminals accessibility using expiration dates

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Stanley whose telephone number is (571) 270-3757. The examiner can normally be reached on 9:00AM - 5:00PM Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark P Stanley/

/Vu Le/

Supervisory Patent Examiner, Art Unit 4157
Patent Training Academy